

SHER TREMONTE LLP

November 22, 2024

BY ECF

Hon. Taryn A. Merkl
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Trooper 1 v. NYSP et al.*, 22-cv-893 (LDH) (TAM)

Dear Judge Merkl:

We write jointly with all parties to provide the Court with a status report regarding discovery in the above-referenced proceeding, including the close of nonparty discovery and other remaining discovery deadlines. With respect to party discovery, set to close on November 29, 2024, the parties continue to engage in party discovery. Trooper 1's deposition was completed on November 15, 2024, and Governor Cuomo's deposition is scheduled for November 22, 2024. With respect to nonparty discovery, the previous deadline for nonparty discovery was November 15, 2024. *See* February 21, 2024 Order. However, given the status of party discovery and a pending dispute among the parties concerning nonparty depositions, the parties agree that an extension of this deadline is required.

As the Court is aware, on January 16, 2024 the Court directed that depositions of nonparty complainants cannot proceed until the depositions of Trooper 1 and Governor Cuomo are complete. ECF No. 220 at 13. Those depositions will not be completed until November 22, 2024. Accordingly, Defendants have yet to depose the other complainants whose allegations Trooper 1 incorporates in her Complaint.¹ In addition, a dispute has ripened between Governor Cuomo and Melissa DeRosa, on the one hand, and Trooper 1, on the other hand, concerning how many additional nonparty depositions Defendants should be able to take beyond the limitations imposed by Federal Rule of Civil Procedure 30(a)(2). Governor Cuomo and Ms. DeRosa further seek leave to reopen the deposition of Fabricio Plaskocinski for limited questing relating to information learned in discovery after his initial deposition. Trooper 1 objects to the re-opening of that deposition. The parties are preparing a joint dispute letter pursuant to Your Honor's Individual Rules & Practices addressing these disputes, which will be submitted next week.

Given these disputes, which will have significant implications on the amount of time required to complete nonparty discovery, the parties respectfully request that the

¹ The only complainant who has been deposed to date is Ana Liss-Jackson, whose deposition took place prior to the Court's January 16, 2024 Order.

Hon. Taryn A. Merkl

November 22, 2024

Page 2 of 2

current deadline to complete nonparty discovery be adjourned *sine die* until the dispute regarding deposition limitations is resolved and until we have at least some indications from nonparties whether the Court's intervention will be required with respect to those depositions. In addition, the parties request that the remaining deadlines in the Court's February 21, 2024 Order—*i.e.*, the deadlines for expert discovery, close of all discovery, and to initiate motion practice—be similarly adjourned *sine die*. The parties propose that, three weeks after the Court issues its decision with respect to the deposition dispute, the parties submit a revised case management plan to propose a new schedule for the completion of discovery.

We appreciate the Court's attention to this issue.

Respectfully submitted,

/s/ Theresa Trzaskoma

Theresa Trzaskoma